

1537
9 March 1821.

(Ireland.)

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For the better Regulation of the Public Notaries in Ireland.

*Note.—The Figures in the Margin denote the Number of the Folios
in the written Copy.*

1 **W**H **HER**EAS it is expedient for the better prevention of illiterate Potentia-
and inexperienced persons, being created to act as or admitted
to the faculty of Public Notaries, that the said faculty should be regu-
lated in Ireland;

BE it therefore Enacted by The KING's Most Excellent MAJESTY,
by and with the Advice and Consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the Autho-
rity of the same, THAT from and after the
2 no person in Ireland shall be created to act as a Public Notary, or use
and exercise the office of a Notary, or do any notarial act, unless such
person shall have been duly sworn, admitted and enrolled, in manner
hereinafter directed, in the court wherein Notaries have been accus-
tomarily sworn, admitted and enrolled.

From
no Person in
Ireland shall act as
a Public Notary,
unless duly
admitted.

And be it further Enacted, That from and after the said
day of no person shall be
sworn, admitted and enrolled as a Public Notary, unless such person
shall have been bound by contract in writing, or by indenture of appren-
ticeship, to serve as a Clerk or Apprentice for and during the space of
not less than years to a Public Notary duly sworn,
3 admitted and enrolled, and that such person for and during the said term
of years shall have continued in such service, and also
unless every such person who shall from and after the said
be bound by
contract

No Person shall be
admitted as a
Notary unless he
shall have served as
an Apprentice for
Seven Years, and if
bound after
unless
Affidavit of certain
Particulars be made,
which shall be en-
rolled in the proper
Court.

contract in writing, or indenture of apprenticeship, to serve as a clerk or apprentice to any Public Notary, shall within three months next after the date of every such contract or indenture of apprenticeship, cause an affidavit to be made and duly sworn by one of the subscribing witnesses, of the actual execution of every such contract or indenture of apprenticeship by such Public Notary, and the person so to be bound to serve as a clerk or apprentice as aforesaid; and in every such affidavit shall be specified the names of every such Public Notary, and of every such person so bound, and their places of abode respectively, together with the day of the date of such contract or indenture of apprenticeship; and every such affidavit shall be sworn and filed within the time aforesaid, in the court where the Public Notary to whom every such person respectively shall be bound as aforesaid, shall have been enrolled as a Notary, with the proper officer or officers, or his or their respective deputy or deputies, who shall make or sign a memorandum of the day of filing every such affidavit on the back or at the bottom of such contract or indenture.

No Person bound after shall be admitted to the Court of Faculties before such Affidavits shall be openly read in Court.

And be it further Enacted, That no person who shall, after the said become bound as aforesaid, shall be admitted or enrolled a Public Notary in the court of Faculties for admitting and enrolling Public Notaries, before such affidavit shall be produced and openly read in such court, at the time of such person's admission and enrollment.

Officers for taking and filing Affidavits.

And be it further Enacted, That the following persons shall be deemed and taken to be the proper officers for taking and filing such affidavits, (that is to say,) the Lord Archbishop of *Drumagh*, his commissary or commissioners for the time being.

Officers filing Affidavits to enter the Substance in a Book, for which he may take

And be it further Enacted, That the officer filing such affidavits as aforesaid, shall keep a book wherein shall be entered the substance of such affidavit, specifying the names and places of abode of every such Public Notary and clerk, or person bound as aforesaid, and of the person making such affidavit, with the date of the contract or indenture of apprenticeship in such affidavit to be mentioned, and the days of swearing and filing every such affidavit respectively; and such officer shall be at liberty to take, at the time of filing every such affidavit, the sum of

Book may be searched for

and no more, as a recompence for his trouble in filing such affidavit; and which book shall and may be searched in office hours by any person or persons whomsoever, upon payment of shilling for such search.

No Public Notary to have any Apprentices, but while he shall actually practise.

And be it further Enacted, That from and after the said no Public Notary shall take have or retain any clerk or apprentice, who shall become bound as aforesaid, after such Public Notary shall have discontinued or left off, or during such time as he shall not actually practise or carry on the business of a Public Notary.

Apprentice to be actually employed Seven Years in the business

And be it further Enacted, That every person who shall from and after the said become bound by contract

contract in writing or indenture of apprenticeship, to serve any Public Notary, as hereby directed, shall, during the whole time and term of service, to be specified in such contract or indenture of apprenticeship, or during the time and space of _____ years

8 thereof at least, (if bound for a longer term than _____ years,) continue and be actually employed by such Public Notary in the proper business, practice or employment of a Public Notary.

4 Provided always, and be it further Enacted, That if any such Public Notary, to or with whom any such person shall be bound, shall happen to die before the expiration of such term, or shall discontinue or leave off such his practice as aforesaid; or if such contract or indenture of apprenticeship shall, by mutual consent of the parties, be cancelled; or in case such clerk or apprentice shall be legally discharged before the expiration
9 of such term, and such clerk or apprentice shall in any of the said cases be bound by another contract or contracts, indenture or indentures in writing, to serve, and shall accordingly serve, in manner hereinbefore mentioned, as clerk or apprentice to any such Public Notary as aforesaid, during the residue of the said term of

5 years, then such service shall be deemed and taken to be as good effectual and available, as if such clerk or apprentice had continued to serve as a clerk or apprentice for the said term of _____ years,

to the same person to whom he was originally bound, so as an affidavit be duly made and filed of the execution of such second or other contract or contracts, within the time and in like manner as is hereinbefore directed,
10 concerning such original contract.

And be it further Enacted, That every person who from and after the said _____ shall become bound as clerk or

6 apprentice as aforesaid, shall, before he be admitted and enrolled a Public Notary according to this Act, make before and file with the proper officer hereinbefore for that purpose mentioned, or cause the Public Notary to whom he was bound, to make and file an affidavit, that he hath actually and really served and been employed by such practising Public Notary to whom he was bound as aforesaid, during the whole term of _____ years, according to the true intent and meaning of this Act.

11 And be it further Enacted, That from and after the said _____

if any Public Notary shall act as such, or permit or suffer his name to be in any manner used, for or on account or for the profit and benefit of any person or persons not entitled to act as a Public Notary, and complaint shall be made in a summary way to the court of Faculties wherein he hath been admitted and enrolled, upon oath to the satisfaction of the said court, that such Notary hath offended therein as aforesaid, then and in such case, every such Notary so offending shall be struck off the roll of Faculties, and be for ever after disabled from practising as a Public Notary, or doing any notarial act, save and except as to any allowance or allowances, sum or sums of money, that are or shall be agreed to be made or paid to the widows or children of any

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deceased

If any Master shall die, or leave off Practice, or any Indenture shall be cancelled by mutual Consent, or any Apprentice shall be legally discharged, in such cases of Apprentices serve the Residue of Seven Years with other Masters, it shall be effectual, if an Affidavit be filed of the second Contract.

Apprentices bound after before Admission, to file Affidavits that they have really served Seven Years.

If any Notary shall act in such, or permit his Name to be used for the Profit of any Person not entitled to act as a Notary, he shall be struck off the Roll.

deceased Public Notary or Notaries, by any surviving partner or partners of such deceased Notary or Notaries.

*Any Person doing any Thing belonging to the Office of a Notary without being admitted, shall incur 50*l*.*

And be it further Enacted, That from and after the said in case any person shall in his own name, or in the name of any other person, make, do, act, exercise or execute and perform, any act matter or thing whatsoever, in anywise appertaining or belonging to the office function and practice of a Public Notary, for or in expectation of any gain fee or reward, without being admitted and enrolled, every such person for every such offence shall forfeit and pay the sum of pounds, to be sued for and recovered in manner hereinafter mentioned. 13

All not to exclude any Person from Admission who hath been bound on or before for Seven Years, to any Notary or any Person who has actually served as Clerk or Apprentice Seven Years, though not bound by Contract, &c.

Provided always, and be it further Enacted, That this Act, or any thing herein contained, shall not be taken or construed to exclude any person from being sworn admitted and enrolled a Public Notary, in the accustomed court aforesaid, who hath on or before the been bound, by contract in writing or indenture of apprenticeship, to serve as a clerk or apprentice to any Public Notary, for the term not less than years, notwithstanding that such term of years shall not expire till after the said and provided that such clerk or apprentice shall actually serve for the remainder of the term of years: Provided always, That an affidavit shall be previously made and filed, in manner hereinbefore directed, of such actual service, of any term not less than years, to any such qualified Notary; and every such person may, after the expiration of such term of years, and affidavit of such service having been previously made and filed, as before directed, be sworn admitted and enrolled to be a Public Notary, in the same manner as persons to be admitted sworn and enrolled Public Notaries, are hereby required to be sworn admitted and enrolled respectively; any thing in this Act contained to the contrary notwithstanding.

All not to extend to Proctors in Ecclesiastical Courts, Secretaries to Bishops, &c.

Provided nevertheless, and it is hereby Enacted, That nothing in this Act contained shall extend or be construed to extend to any Proctor in any ecclesiastical court in Ireland, nor to any secretary or secretaries to any bishop or bishops merely practising as such secretary or secretaries, or to any other person or persons necessarily created a Notary Public, for the purpose of holding or exercising any office or appointment, or occasionally performing any public duty or service under Government, or created a Public Notary for practising within a limited district, and not as general practitioner or practitioners; any thing hereinbefore contained to the contrary notwithstanding: Provided always, That nothing herein contained shall exempt or be construed to exempt any Proctor, being also a Public Notary, or any person created a Public Notary for practising within a limited district only, from the pains, penalties, forfeitures and disabilities by this Act imposed upon any Public Notary, who shall permit or suffer his name to be in any manner used for or as account, or for the profit 16

profit and benefit of any person or persons not entitled to act as a Public Notary.

- And be it further Enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any person, who on or before the passing of this Act shall have been admitted as a Public Notary, from acting as a Public Notary, or using or exercising the office of a Notary, or doing any notarial acts whatever, as fully as if such Notary had been admitted, sworn and enrolled, pursuant to the regulations and provisions of this Act.

Not to Persons who, on or before passing this Act, have been admitted as Notaries.

And be it further Enacted, That all pecuniary forfeitures and penalties imposed on any person or persons for offences committed against this Act, shall and may be sued for and recovered in any of His Majesty's courts of Record at *Dublin*, by action of debt, bill, plaint or information, wherein no essoin, protection, privilege, wager of law, or more than one imparlance shall be allowed, and wherein the plaintiff, if he or she shall recover any penalty or penalties, shall recover the same for his or her own use, with full costs of suit.

Recovery and Application of Penalties.

- And be it further Enacted, That if any action or suit shall be brought or commenced for any thing done in pursuance of this Act, every such action or suit shall be commenced within calendar months next after the fact committed, and not afterwards, and shall be laid and tried in the county wherein the cause of action shall have arisen, and not elsewhere; and the defendant or defendants in such action or suit shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act; and if the same shall appear to have been so done, or if any action or suit shall be brought after the time limited for bringing the same, or shall be laid in any other county or place than as aforesaid, then the jury shall find for the defendant or defendants; and upon such verdict, or if the plaintiff or plaintiffs shall be nonsuited, or suffer a discontinuance of his her or their action or suit, after the defendant or defendants shall have appeared; or if upon demurrer judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have treble costs, and shall have such remedy for the same, as any defendant or defendants both or have for costs of suit in any other case by law.

Limitation of Actions.

General Issue.

Treble Costs.

- And be it further Enacted, That this Act shall be deemed, adjudged and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices and other persons whomsoever, without specially pleading the same.

Public Act.

2 Geo. IV.—Sess. 1821.

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For the better Regulation of the Public
Notaries in Ireland.

*Ordered, by The House of Commons, to be Printed,
9 May 1821.*
